

REMARKS

Claims 1-20 were rejected on the grounds of nonstatutory obviousness-type double patenting over Claims 1-12 of U.S. Patent Application No. 10/566,899.

Applicants have amended the claims to recite a scaled-up method for producing commercial volumes of conjugate vaccines. Support for the amendments can be found, for example, in the specification at paragraph [0028], paragraph [0102] and paragraph [0103]. No mention of such methods is made in Patent Application No. 10/566,899. Thus, the claims as amended are patentably distinct from the claims in the cited application. Applicants therefore request withdrawal of the double patenting rejection.

Request for Signed Form PTO/SB/08

Applicants submitted an Information Disclosure Statement on January 17, 2008, which listed two non-patent references, namely, Chu et al. and Schneerson et al. Applicants respectfully request that the Examiner sign and return a copy of the form PTO/SB/08 to confirm that the two references have been considered by the Examiner.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Application No.: 10/566,898
Filing Date: October 26, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 1, 2009

By: Anne Marie Kaiser
Anne Marie Kaiser
Registration No. 37,649
Attorney of Record
Customer No. 45311
(949) 760-0404

6693234-adk-022409